

Claim 7, line 1, replace "at least one of the preceding claims" with --Claim 1 or 2--.

Claim 8, line 1, replace "at least one of the preceding claims" with --Claim 1 or 2--.

Claim 9, line 1, replace "at least one of the preceding claims" with --Claim 1 or 2--.

Claim 10, line 1, replace "at least one of the preceding claims" with --Claim 1 or 2--.

Claim 11, line 1, replace "at least one of the preceding claims" with --Claim 1 or 2--.

SUPPORT FOR AMENDMENTS

The claims have been amended to remove improper multiple dependencies. No new matter has been added. Claims 1-13 remain active in this application.

RESPONSE TO RESTRICTION REQUIREMENT

The Office has required restriction under 35 U.S.C. §121 as follows:

Group I: Claims 1-11, drawn to a crushing device; and

Group II: Claims 12 and 13, drawn to a process of grinding.

Applicants elect with traverse, Group I, Claims 1-11.

Restriction is proper only when the claims of the restricted groups are independent or patentably distinct and there is a serious burden placed on the Examiner if restriction is not required. MPEP §803. Applicants

respectfully traverse the restriction requirement on the grounds that the Office has failed to show (1) that the claims of Groups I and II are patentably distinct or (2) that there is a serious burden on the Examiner without restriction.

The Office has characterized the relationship between Group I and II as process and apparatus for its practice. Inventions so related are patentably distinct if (1) the process as claimed can be practiced by another materially different apparatus or by hand or (2) the apparatus as claimed can be used to practice another and materially different process.

The Office suggests that the claimed crushing device can be used to practice another and materially different process, such as cutting any soft material (e.g., paper products and styrofoam). However, no reasons or evidence have been provided to support the argument that the apparatus for crushing a hydrous polymer gel could be used for cutting paper or styrofoam. A hydrous polymer gel is a different material as compared to paper or styrofoam, so there is no reason to believe that a device for crushing a polymer gel could be used to cut paper or styrofoam and vice versa. For example, a trash compactor cannot be used to grind steel article into small pieces. In addition, no evidence or reasons have been provided to show that cutting paper or styrofoam is materially different than grinding a hydrous polymer gel as claimed. Thus, the Office fails to show that the claimed apparatus can

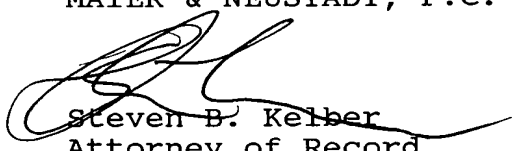
be used to practice another and materially different process and, therefore, fails to show that Groups I and II are patentably distinct.

In addition, as noted in the Official Action, examination of all the claims currently pending requires searching only two subclasses in Class 83. There are thousands of issued U.S. patents in which two or more subclasses were searched by the Examiner during prosecution. Applicants respectfully submit that searching the two cited subclasses can be accomplished without any burden on the Examiner.

The Office has failed to make both of the showings required for a proper restriction requirement: independence or patentable distinctness between the restricted Groups and a serious burden on the Examiner if restriction is not required. Accordingly, the restriction requirement is unsustainable and should be withdrawn.

Respectfully submitted,

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